

First Published in the Wichita Eagle on April 10, 2009

RESOLUTION NO. 09-093

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-89718, (SOUTH OF MACARTHUR, WEST OF WEST STREET) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING WATER DISTRIBUTION SYSTEM NUMBER 448-89718, (SOUTH OF MACARTHUR, WEST OF WEST STREET) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 02-452 adopted on October 1, 2002 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Water Distribution System Number 448-89718, (south of MacArthur, west of West Street) in the City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be Ninety-Three Thousand Dollars (\$93,000), exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after February 1, 2009.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

THE BROAD STREET ADDITION

Lot 1, Block 1

UNPLATTED TRACT 'A'

A tract of land in the NE ¼ of Sec. 14, Twp. 28-S, R-1-W of the 6<sup>th</sup> P.M., Sedgwick County, Kansas described as follows: That part of the NE ¼ of said Sec. 14, lying west of the Missouri Pacific Railroad right-of-way (as established in Deed Book 964, Page 39 and in Deed Book 1230, Page 340), EXCEPT the north 933.0 feet thereof; EXCEPT that part platted as The Broad Street Addition; and EXCEPT that part taken for the Wichita-Valley Center Floodway condemned by Case A-30410.

UNPLATTED TRACT 'B'

That part of the W ½ of the SE ¼ of Sec. 14, Twp. 28-S, R -1-W of the 6<sup>th</sup> P.M., Sedgwick County, Kansas lying east of the Wichita-Valley Center Flood Control right-of-way per condemnation Case A-30410 and west of the Missouri Pacific Railroad right-of-way as established by the Deed filed in Book 1230, Page 344, TOGETHER with that part of the E ½ of the SE ¼ of Sec. 14, Twp. 28-S, R-1-W of the 6<sup>th</sup> P.M., Sedgwick County, Kansas lying west of the Missouri Pacific Railroad right-of-way as established by the Deed filed in Book 1230, Page 342.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a square foot basis:

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 7<sup>th</sup> day of April, 2009.

---

CARL BREWER, MAYOR

ATTEST:

---

KAREN SUBLETT, CITY CLERK

(SEAL)